

NOTICE TO ESCROW AGENT TO RELEASE ESCROW

We, the undersigned, the Contractor, Atlas Excavating, Inc. and the Owner, City of West Lafayette by its Board of Public Works and Safety, hereby **notify the Escrow Agent, The Huntington Investment Company, to release \$87,751.40 in the Western Sanitary Sewer Interceptor – Division III Escrow Account #85853 including all interest earned to Atlas Excavating, Inc.** as per the required notice specified in Item No. 3 of the Escrow Agreement between City of West Lafayette, Atlas Excavating, Inc. and the Huntington Investment Company, which was executed on March 31, 2009.

CONTRACTOR:
Atlas Excavating, Inc.
4740 Swisher Road
West Lafayette, IN 47906

OWNER:
City of West Lafayette by its
Board of Public Works and Safety

Date

John R. Dennis, Mayor

Bradley W. Marley, Member

Sana G. Booker, Member

Jonathan C. Speaker, Member

Elizabeth M. Stull, Member

ATTEST:

Judith C. Rhodes, Clerk-Treasurer

Date



GREELEY AND HANSEN

6610 Intech Boulevard, Suite 180
Indianapolis, Indiana 46278
p 317 924 3380
f 317 925 3811
www.greeley-hansen.com

LETTER OF TRANSMITTAL

TO: Wastewater Treatment Utility
500 S. River Road
West Lafayette, In 47906

DATE: December 30, 2009

SUBJECT: Western Interceptor Div. III
Pay Application No. 8

ATTN: David Henderson

FILE NO.: 07914

Please find the following enclosed:

- ☐ Drawing(s) ☐ Specification(s) ☐ Report(s) ☐ Calculation(s) ☐ Correspondence
☒ Other: _____

Item No.	No. of Copies	Date	Description
	2		Pay Application No. 8 - Reduction in Retainage

- ☐ As requested
☐ For information/use
☐ For review and comment
☒ For approval

- ☐ For file
☐ Other: _____

☐ For distribution to:

Comment(s): Contractor has completed all of the Contract Work. Retainage is being reduced to \$10,000 to cover the cost for any additional site restoration work to be completed in the spring of 2010.

c: _____

Very truly yours,

Greeley and Hansen

Name:

Joe Teusch

Signature:

Joe Teusch

APPLICATION FOR PAYMENT NO. 8

To: The City of West Lafayette (OWNER)
 From: Atlas Excavating, Inc. (CONTRACTOR)
 Contract: _____
 Project: Western Sanitary Sewer Division III
 OWNER's Contract No. _____ ENGINEER's Project _____
 For Work accomplished through the date of: 12/28/2009

1 Original Contract Price:	\$	<u>1,948,585.00</u>
2 Net change by Change Orders and Written Amendments (+ or -):	\$	<u>0</u>
3 Current Contract Price (1 plus 2):	\$	<u>1,948,585.00</u>
4 Total completed and stored to date:	\$	<u>1,910,531.86</u>
5 Retainage (per Agreement):		
<u>0</u> % of completed Work:	\$	<u>10,000.00</u>
<u>0</u> % of stored material:	\$	<u>0.00</u>
Total Retainage:	\$	<u>10,000.00</u>
6 Total completed and stored to date less retainage (4 minus 5):	\$	<u>1,900,531.86</u>
7 Less previous Application for Payments:	\$	<u>1,812,780.46</u>
8 DUE THIS APPLICATION (6 MINUS 7):	\$	<u>87,751.40</u>

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through _____ inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated December 15, 2009

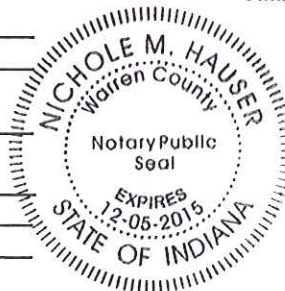
Atlas Excavating, Inc.

CONTRACTOR

By: Tina Dillon
 Tina Dillon, President

State of Indiana
 County of Tippecanoe
 Subscribed and sworn to before me this 28th
 day of December 2009

Nichole M. Hauser
 Notary Public Nichole M. Hauser
 My Commission expires: December 5, 2015



Payment of the above AMOUNT DUE THIS APPLICATION is recommended

By: Joseph Zuss
 ENGINEER (Authorized Signature)

By: _____
 OWNER (Authorized Signature)

Title: Project Manager

Title: _____

Date: 12/30/2009

Date: _____

EJCDC No. 1910-8-E (1996 Edition) RUS-WEP (2000)

APPLICATION FOR PAYMENT NO. 8

To: The City of West Lafayette (OWNER)
 From: Atlas Excavating, Inc. (CONTRACTOR)

Contract: _____

Project: Western Sanitary Sewer Division III

OWNER's Contract No. _____

ENGINEER's Project _____

For Work accomplished through the date of: _____

12/28/2009

1 Original Contract Price:	\$	<u>1,948,585.00</u>
2 Net change by Change Orders and Written Amendments (+ or -):	\$	<u>0</u>
3 Current Contract Price (1 plus 2):	\$	<u>1,948,585.00</u>
4 Total completed and stored to date:	\$	<u>1,910,531.86</u>
5 Retainage (per Agreement):		
<u>0</u> % of completed Work:	\$	<u>10,000.00</u>
<u>0</u> % of stored material:	\$	<u>0.00</u>
Total Retainage:	\$	<u>10,000.00</u>
6 Total completed and stored to date less retainage (4 minus 5):	\$	<u>1,900,531.86</u>
7 Less previous Application for Payments:	\$	<u>1,812,780.46</u>
8 DUE THIS APPLICATION (6 MINUS 7):	\$	<u>87,751.40</u>

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through _____ inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated December 15, 2009

Atlas Excavating, Inc.

CONTRACTOR

By: Tina Dillon

Tina Dillon, President

State of Indiana

County of Tippecanoe

Subscribed and sworn to before me this 28th

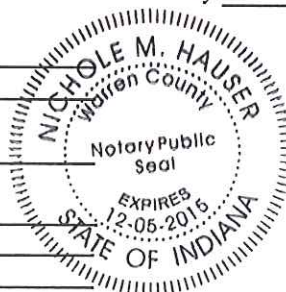
day of December 2009

Notary Public

Nichole M. Hauser

My Commission expires:

December 5, 2015



Payment of the above AMOUNT DUE THIS APPLICATION is recommended

By: Joseph J. Jank

ENGINEER (Authorized Signature)

By: _____

OWNER (Authorized Signature)

Title: Project Manager

Title: _____

Date: 12/30/2009

Date: _____

EJCDC No. 1910-8-E (1996 Edition) RUS-WEP (2000)

ATLAS EXCAVATING RETAINAGE DIVISION III

ATLAS CONSTR	SRF REQ #	DATE	ORIGINAL CONTRACT SUM	CHANGE BY CHANGE ORDER	TOTAL COMPLETED & STORED TO DATE	TOTAL RETAINAGE	TOTAL COMPLETED LESS RETAINAGE	AMOUNT TO CONTRACTOR
PYMT 1	89	4/28/2009	\$ 1,948,585.00	\$ -	\$ 675,688.69	\$ 67,568.87	\$ 608,119.82	\$ 608,119.82
PYMT 2	91	6/22/2009	\$ 1,948,585.00	\$ -	\$ 977,514.05	\$ 30,182.53	\$ 879,762.65	\$ 271,642.83
PYMT 3	95	8/10/2009	\$ 1,948,585.00	\$ -	\$ 1,344,120.49	\$ -	\$ 1,246,369.09	\$ 366,606.44
PYMT 4	97	8/31/2009	\$ 1,948,585.00	\$ -	\$ 1,657,373.22	\$ -	\$ 1,559,621.82	\$ 313,252.73
PYMT 5	98	9/28/2009	\$ 1,948,585.00	\$ -	\$ 1,872,543.57	\$ -	\$ 1,774,792.17	\$ 215,170.25
PYMT 6	99	10/26/2009	\$ 1,948,585.00	\$ -	\$ 1,905,256.82	\$ -	\$ 1,807,505.42	\$ 32,713.25
PYMT 7	100	11/30/2009	\$ 1,948,585.00	\$ -	\$ 1,910,531.86	\$ -	\$ 1,812,780.46	\$ 5,275.04
PYMT 8	101	1/11/2010	\$ 1,948,585.00	\$ -	\$ 1,910,531.86	\$ (87,751.40)	\$ 1,900,531.86	\$ 87,751.40
						\$ 10,000.00		\$ 1,900,531.86